GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT

Labour Dispute.—Industrial Dispute between the Workmen and the Managements of Oodabathy Manufacturers, Chintamani.

Award of the Industrial Tribunal Bangalore—Published.

Read the following papers:

(1) Letter No. 932/72-73, dated 25th October 1972 from Sri Narayana Rai Kudoor, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 24th October 1972.

Present

Sri Narsyan Rai Kudoor, B.A., B.L., *Presiding Officer.*

I. D. No. 29 of 1972.

I Party.

Workmen represented by The Secretary, Chintamani Labour Union, M. G. Road, Chintamani.

Vs.

II Party.

1. Sri B. S. Venkatesha Sastry, Proprietor, Sri Venkateshwara Perfumery Works, Chinthamani.

2. Sri Chandraiah Setty, Sri Sarada Perfumery Works, Chintamani.

3. Sri Grandham Krishnaiah Setty, Shamala Perfumery Works, Chitamani.

4. National Flag Perfumery Works, Chintamani.
5. Ambika Perfumery Works. Chintamani.
6. M/s B. V. Aswathaiah, Perfumery Works. Chintamani.
7. Vijayalakshmi Perfumery Works, Chintamani.
8. Jayaprakash Perfumery Works Chintamani.
9. Bhagyalakshmi Perfumery Works, Chintamani
10. Siraj Perfumery Works, Chintamani
11. Jagadeesh Perfumery Works, do
12. Regal Perfumery Works, do
13. Chan Pasha Perfumery Works do
14. Ansar Perfumery Works do
15. Jayanthi Perfumery Wotks do
16. Sugana Perfumery Works: do
17. Suresh Perfumery Works do
18. Imperial Perfumery Works, do

Appearances.

For the I Party:—None present.

For the II Party:—None present.

AWARD.

The Government of Mysore, being of opinion, that an industrial dispute exists between the workmen and the management of Oodalaithy Manufacturers listed in the Annexure to the Order of Reference have referred the said dispute for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub section (1) of Section 10 of the Industrial Disputes Act. 1947 (Central Act No. XIV of 1947) as per the Order of Reference

No. FCL 406 LLD 72, dated 11th August 1972 on the following points of disputes:—

"I. Are the workers employed by the Managements of 18 Odabathi Manufacturers of Chintamani as listed in the Annexure to this order justified in demanding the following:—

(1) Rates of Wages:—

Sl. No.	Name of Agarbathi	Present old rates	Required enhanced rates
		Rs.	Rs.
1	Special Durbar ...	1-00 per seer	1-50 per seer
2	Toick bathi ...	0-50 per seer	0-80 per seer
3	Special Durbar with silareas. ...	0-85 per seer	1-00 per seer
4	Chandran Spalmbar and all other varieties of the same category ...	0-75 per seer	1-10 per seer
5	Sukka Bhathi II ...	0-60 per seer	0-90 per seer
6	Jawagi Bathi ...	1-60 per seer	2-00 per seer

PACKING

Sl. No.	Name	Present rates	Required enhanced rates.
		Rs.	Rs.
1	Durbas 10gms packing with cover.	0-37 per 100 box	0-55 per 100 pkts.
2	10 to 25gms signle boxes packing without cover.	1-50 per 100 box	2-00 per 100 boxes
3	10gms packets without cover 1 doz. bundles.	0-31 per 100 bundles	0-45 per 100 dundles
4	10 to 25gms for bundles.	0-31	0-45

1	2	3	4
5	50 to 60 gms bundling (per 100 bundles) ii quit.	0-62 per 100 bundles	0-80 per 100 bundles
6.	Mattam bathi, Mattam coating.	0-62 per 100 kgs.	0-60 per 10 kgs.
7	Hassan coating Bathi.	0-10 per 10 1 Sr, Bnd.	0-15 per Sr. bud.
8	Jawagi bathi counting 20 or 25gms.	0-50 per 100 tion.	0-65 per 100 tins
9	Bombay tin single packing.	1-50 per 100 tins.	1-80 per 100 tins
10	100 gms, 50 gms and 25 gms folding with wrapper and putting thread over it.	0-80 per 100 bunds.	1-25 per 100 bunds

(2) Payment of Bonus at 12 per cent or Rs. 60 whichever is higher to each worker as per the provisions of the Payment of Bonus 1965.

(3) Washing allowance of Rs. 5 to each worker per month.

(4) Gratuity at the rate of 15 days wages for each year of service to be paid to all the workers or to their heirs or assigns at the time of their death, retirement, voluntary resignation or physical or mental incapacity to work.

II If not, to what otherrates of wages and other benefits are the workers entiled?"

2 On receipt of the Order of reference, it was registered as I.D. No. 29 of 1972 on the file of this Tribunal. Workmen represented by the Secretary, Chintamani Labour Union, M G Road, Chintamani is the I Party and the respective managements of the 18 Oodabethi manufacturers listed in the Annexure to the Order of reference are the II Party to this dispute,

3. Notice of the dispute was issued to both the parties. All the managements representing the II Party have been duly served with the notice. So far as the I Party workmen is

concerned the notices issued to the Secretary, Chintamani Labou Union, M. G. Road Chintamani were returned with the endorsement "that the Secretary left Chintamani and his whereabouts are not known". Thereafter notice of the dispute was ordered to be issued to the President of the said union That notice also returned with a similar endorsement "that the President left—whereabouts not known." Thus, the various attempts made by this Tribunal to serve the notice of the dispute to the workmen's representatives did not bear any fruits. Even none of the Oodabathi manufacturers representing the II Party in the dispute also entered appearance even though all of them have been served with the notice. In that situation, there is no other course left to this Tribunal but to proceed to deal with the dispute covered under the order of reference in the absence of both the parties.

4. It is seen from the order of reference that the I Party workmen have raised a dispute with the II Party Managements in respect of 4 matters, such as rates of wages, payment of bonus, washing allowance and gratuity. Their demand consists of the amounts they are entitled to be paid under the various heads of their claim listed in the order of reference. Since the dispute was referred on the specific demands made by the workmen on their respective managements, it is up to the workmen to justify their demands, That apart, from the wordings of the order of reference also, we could gather that the burden to justify the various demands covered under the order of reference is also placed on the workmen. However, the I Party workmen have not chosen to place any material before this Tribunal in support of their various demands which gave rise to the present dispute. They have not even entered appearance and presented their claim statement. That being the position, the reference will have to be answered against them, as they did not discharge their burden to justify their demands. In that view, I am constrained to hold that the reference is liable to be rejected.

5. In the result, I pass an award rejecting the reference.

6. There will be no order as to costs.

NARAYANA RAI KUDOOR,

Presiding Officer,
Industrial Triaribunal, Bangalore.

ORDER

Bangalore dated the 17th November 1972.

S. O. 381.—WHEREAS by State Government Order No. FCL 406 LLD 72, dated 11th August 1972, the Industrial Dispute between the Workmen and the Management of Oodabathy Manufacturers, C intamani was referred to the Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Industrial Tribunal, has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said Award as above, in the *Mysore Gazette*.

[No. FCL 213 LLA 72.]

By Order and in the name of the Governor of Mysore,

ANIRUDHA DESAI,
Under Secretary to Government,
Food, Civil Supplies & Labour Department.